IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY THIRD DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

-

WRIT PETITION NO : 7806 of 1999

Between:

1 B. Somi Reddy, S/o Gopal Reddy, R/o Suryapet, Nalgonda Dist.
2 B. Puspavathi, W/o Surender Reddy, R/o Suryapet, Nalgonda Dist.
3 Uggam Ramulu, s/o Gopaaiah, R/o Suryapet, Nalgonda Dist.
4 Badugu Narsaiah, S/o Ramaswamy, R/o Suryapet, Nalgonda Dist.

..... PETITIONERS

AND

1 Joint Collector & Addl. Dist. Magistrate, Nalgonda Dist Nalgonda.
2 Revenue Divisional Officer, Nalgonda
3 Mandal Revenue Officer, Suryapet (M), Nalgonda Dist.
4 Ch. Varaprasad, s/o Late Jagannadha chary, R/o 23-6-664/1, Balachouwasta,Shalibanda, Hyderabad.
5 Ch. Sarojanamma, W/o LAte Keshava Chary, R/o Near MRO Officer, Surryapet, Nalgonda Dist.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ specially writ of certiorari calling for the records and set aside the order No.C3/JC/ROR/49/97 Dt:22-3-99 of respondent No.1 in confirming the order dt:21-2-97 in case No.E/1227/94 of respondent No.2 as illegal, void, without jurisdiction and contrary to provisions of A.P. Records of rights Act, 1971 beside violative of Principal of natural Justice

Counsel for the Petitioner: MR.K.RAGHUVEER REDDY

Counsel for the Respondent No.: GP FOR ENDOWMENTS

The Court made the following :

ORAL ORDER:

Heard both sides.

The petitioners herein, who claim to be the owners of the purchases made under registered sale deed dt. 16-1-1995 seeks to assail the impugned order dated 22-3-1999 passed by the first respondent confirming the order of the second respondent dated 21-2-1997 in regard to the mutation proceedings arising under A.P. Record of Rights Act 1971.

The main grievance of the petitioners is that even though the mutation was effected in terms of the purchases made by them, subsequently the matters have been carried before the 2nd respondent/MRO and inspite of the death of the appellant therein and without being notice to the petitioners herein the matters are being disposed of. Further, it is also their case that their objections, which would go to the very root of the case, have not been considered. Hence, the writ petition.

Learned counsel appearing on behalf of the respondents submits that the petitioners have already filed a suit in O.S.No.22 of 1999 on the file of Junior Civil Judge, Suryapet, and in view of the same the real questions which are involved in regard to title or possession such as cannot be gone into under Article 226 of the Constitution of India.

Having considered the submissions made and on perusal of the material, it is seen that both parties are trying to lay their claims basing upon their right, title, and interest with regard to possession as claimed by them. The proceedings under challenge are only arising under the provisions of ROR Act. It is now well settled that in respect of the proceedings on such questions, the authorities have no power to go into the correctness or otherwise of the title and therefore, it should be always open for the parties concerned to agitate the same before the competent Civil Court. It is now represented that the suit has already been decreed and against which a regular appeal has been filed by the contesting respondents herein. In view of the above fact, I do not find any need to go into the claims made on either side.

Writ petition is accordingly disposed of directing both the parties to establish their right, title and interest and possession in the said civil proceedings, uninfluenced by any of the observations or findings given in this proceedings.

B. PRAKASH RAO, J

Dt. 23-8-2004

KVRK

To

1 The Joint Collector & Addl. Dist. Magistrate, Nalgonda Dist Nalgonda.
2 The Revenue Divisional Officer, Nalgonda
3 The Mandal Revenue Officer, Suryapet (M), Nalgonda Dist.
4. Two copies to GP for Endowments, High Court Bldgs, Hyd (OUT).

5. Two CD copies.